

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GARNER,

Plaintiff,

USDC No.: _____

Lower Court No.: 22-003494-NO

v

AUTOZONE STORES, LLC, a
Foreign Limited Liability
Company,

Defendant.

NOTICE OF FILING NOTICE OF REMOVAL (FEDERAL COURT)

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

VERIFICATION

RIDLEY S. NIMMO, II (P54783)
PLUNKETT COONEY
Attorneys for Defendant
111 E. Court Street, Suite 1B
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(810) 232-3159 fax
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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROBERT GARNER,

Plaintiff,

Case No.: 22-003494-NO

Honorable Martha M. Snow

v

AUTOZONE STORES, LLC, a
Foreign Limited Liability
Company,

Defendant.

BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (P64540)
LAW OFFICES OF KELMAN & FANTICH
Attorney for Plaintiff
30903 Northwestern Highway, Suite
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**NOTICE OF FILING REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendant, AutoZone Stores LLC, hereby files with the Clerk of the Court a copy of its Notice of Removal, attached hereto, and which was filed with the United States District Court, Eastern District of Michigan, Southern Division on or about October 6, 2022.

PLUNKETT COONEY

/s/Ridley S. Nimmo, II

DATE: October 6, 2022

By: _____

RIDLEY S. NIMMO, II (P54783)

Attorneys for Defendant

111 E. Court Street, Suite 1B

Flint, MI 48502

Direct Dial: (810) 342-7010

rnimmo@plunkettcooney.com

PROOF OF SERVICE

Pursuant to MCR 2.107(D), the undersigned certifies that a copy/copies of the foregoing document(s) was/were served upon the interested parties/attorneys of record to the above cause at their respective business addresses as disclosed by the pleadings of record herein on October 6, 2022, by:

☐ U.S. Mail
☐ E-Mail
☐ Facsimile

☐ Hand Delivery
☐ UPS Overnight
☒ Electronic E-Filing

Further, I declare under penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

/s/Stephanie L. Intermaggio

Stephanie L. Intermaggio

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GARNER,

Plaintiff,

USDC No.: _____

Lower Court No.: 22-003494-NO

v

AUTOZONE STORES, LLC, a
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Defendant.

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PLUNKETT COONEY

DATE: October 6, 2022

/s/Ridley S. Nimmo, II
By: _____
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
Direct Dial: (810) 342-7010
rnimmo@plunkettcooney.com

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Removal documents and this Certificate of Electronic Filing was electronically filed with the United States District Court, Eastern District of Michigan, in the above cause on October 6, 2022. A copy will be provided to counsel of record via first class mail. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II

Ridley S. Nimmo, II (P54783)
Attorney for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
810-342-7010
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UNITED STATES DISTRICT COURT
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**NOTICE OF REMOVAL FOR CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOW COMES Defendant, AutoZone Stores LLC, by and through its attorneys, Plunkett Cooney, pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, hereby files this Notice of Removal of the above-captioned matter to the United

States District Court for the Eastern District of Michigan, Southern Division from the Wayne County Circuit Court where the action is now pending and states as follows:

1. Plaintiff's Amended Complaint was filed in the Wayne County Circuit Court on or about April 19, 2022, and is now pending in that court.

2. The above-captioned matter is a suit at common law of a civil nature brought by the Plaintiff, Robert Garner, in which the Plaintiff seeks unspecified monetary damages in excess of \$25,000 as a result of Defendant's alleged negligence.

3. The above-captioned matter involves a controversy which is wholly between citizens of different states in that at the time of the commencement of this action in Wayne County Circuit Court, the Plaintiff was a citizen of the State of Michigan, and the Defendant AutoZone Stores LLC was, and still is, a limited liability company incorporated under the laws of the State of Nevada and its principal place of business in Memphis, TN (AutoZone Stores LLC has a single member AutoZone Southeast LP also a Nevada LP and principal place of business in Memphis, TN).

4. This action is one over which the District Courts of the United States are given original jurisdiction.

5. The time within which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

6. According to Plaintiff's Amended Complaint, attached as Exhibit A, Plaintiff seeks to recover an unspecified amount of damages in excess of \$25,000, and on September 15, 2022 in response to discovery Defendant first ascertained that the amount in controversy in this matter exceeds the sum or value of \$75,000, exclusive of interest and costs. (See Exhibit A – Plaintiff's Answer to Defendant's Request to Admit).

7. Defendant files with this Notice a copy of the court pleadings and filed discovery response served upon Defendant in this action (See **Exhibit A**).

8. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

9. Defendant has served written notice of the filing of this Notice as required by 28 U.S.C.A. § 1446(d).

10. A copy of this Notice will be filed with the Clerk of the Wayne County Circuit Court, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, Defendant respectfully requests that it may affect removal of this action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern

Division, and that this action proceed in this Court as an action properly removed.

PLUNKETT COONEY

DATE: October 6, 2022

/s/Ridley S. Nimmo, II
By: _____
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GARNER,

Plaintiff,

USDC No.: _____

Lower Court No.: 22-003494-NO

v

AUTOZONE STORES, LLC, a
Foreign Limited Liability
Company,

Defendant.

VERIFICATION

RIDLEY S. NIMMO, II, being first duly sworn, deposes and says that he is the attorney for Defendant, AutoZone Stores LLC, and that the foregoing Notice of Removal is true in substance and in fact to the best of his knowledge, information, and belief.

Subscribed and sworn to before me on October 6, 2020. Respectfully submitted:

/s/ Mary Ellen Kisell

/s/Ridley S. Nimmo, II

Mary Ellen Kisell, Notary Public
Oakland County, Michigan
My Commission Expires: 9/5/2026

RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010
Dated: October 6, 2022